STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	16,846
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision by the Department of PATH terminating his and his wife's eligibility for VHAP. The issue is whether the petitioner's household income exceeds the program maximum.

FINDINGS OF FACT

- 1. The petitioner lives with his wife and their three minor children.¹ He is employed, and he recently reported an increase in his income to the Department, which brought his earnings, before taxes, to \$3,970 a month.
- 2. Upon receipt of this information the Department notified the petitioner and his wife that effective February 1, 2001 they would be ineligible for VHAP due to excess income. The Department allowed a deduction of \$90 from the petitioner's earned income as a standard deduction, leaving him with a net countable income of \$3,880 a month, which is over the program maximum of \$3,076 for a five-person household.
 - 3. At a hearing held on February 6, 2000 the petitioner

¹ The petitioner's children receive medical coverage through the Dr. Dynasaur program.

did not contest these figures, but wanted his VHAP to continue until he could obtain health coverage through his employment.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross earned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross earned income from wages is subjected to a \$90 disregard before eligibility is determined. W.A.M. § 4001.81(e). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a five-person household under VHAP is \$3,076. P-2420(B)(6).

Because the petitioner's household's net income is in excess of the program maximum he and his wife cannot be found eligible for VHAP. As the Department's determination to this effect was consistent with its regulations, the Board must uphold it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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